

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: Company Registration Name Style

Section Affected: 1914

Specific Purpose of each adoption, amendment, or repeal:

Section 1914 of the California Code of Regulations states in part that the Structural Pest Control Board will not issue a company registration in a name style that it determines to be confusingly similar to the name style of another registered company. The Board currently registers over 1800 separate companies. When company owners select the name in which they want to do business, it is inevitable that the requested name styles are somewhat similar, in that they generally reference pest or termite control.

Enforcement of this regulation is problematic in that it is subjective as to what is confusingly similar. Company owners that have name styles denied will petition to the board making the argument that the name style is not similar, yet an existing company will petition the board that the name style is too confusingly similar to its name style.

The adoption of the proposed regulation would relieve the Structural Pest Control Board of the responsibility of selecting the name style in which a company will do business.

Factual Basis/Rationale

The Structural Pest Control Board has approved thousands of separate name styles, however the Board is a small minority of Boards within the Department of Consumer Affairs that control the names in which regulated companies do business. Clearly, "confusingly similar" is subjective and makes enforcement problematic.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: Supervision of Registered Companies and Branch Offices

Section Affected: 1918

Specific Purpose of each adoption, amendment, or repeal:

Current regulation defines "Supervise" as actual "on-site supervision." On-site supervision by a qualifying manager is not practical with larger companies that have more than one location. This amendment will further define "supervise" pursuant to sections 8506.2, 8610 and 8611 of the Business and Professions Code and clarify the responsibilities and liabilities of qualifying manager(s) and supervisor(s).

Factual Basis/Rationale

Current regulations defining "on-site supervision" do not allow for supervision by the same qualifying manager if the company is too large. The amendment to section 1918 will allow a qualifying manager the ability to supervise a large company, but in a manner that will maintain their liability and responsibility relative to the supervision.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: Citation and Fine Appeal Process

Section Affected: 1920

Specific Purpose of each adoption, amendment, or repeal:

Section 1920 provides guidelines for which a licensee may contest a citation and fine by the Board. Currently, if the Board modifies a citation after the informal conference, that original citation is withdrawn and a new citation is issued. The licensee may then request a second informal conference based on that new citation. The proposed amendment will preclude the licensee from requesting another informal conference on the same citation already considered at the first informal conference.

Factual Basis/Rationale

Section 1920 (e)(1)(2)(3) in its current form provides that when a citation is modified, a new citation must be issued as the first is considered withdrawn. Once a new citation is issued, current regulation allows the licensee to ask for another informal conference on the modified citation. The suggested amendments do not impact the licensee's right to an administrative hearing.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: Establish pesticide Applicator license and renewal fee.

Section Affected: 1948

Specific Purpose of each adoption, amendment, or repeal:

Section 8590.1, 8564.6, and 8674 of the Business and Professions Code state that applicators will pay a license fee as a condition to being issued a license and that as a condition of renewal of an applicator's license a fee will be paid. The regulations do not specify the fee for either the issuance or renewal of the Applicator's license. The proposed amendment will establish into regulation a license and renewal fee for the Applicator license.

Factual Basis/Rationale

Although statutes in the Business and Professions Code provide for the issuance and renewal of this license category, they do not specify the exact fee. The proposed amendment would establish an applicator license and license renewal fee.

Underlying Data

None

Business Impact

This regulation will not have an adverse economic impact on businesses unless pest control companies choose to pay these fees for their employees.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: Pesticide Applicator Continuing Education

Section Affected: 1950

Specific Purpose of each adoption, amendment, or repeal:

Section 8593.1 of the Business and Professions Code states that licensed applicators must meet continuing education requirements as a condition to the renewal of an applicator's license. The regulations do not specify the number of continuing education hours or the specific topics to be included in the courses required to renew. The proposed amendment will adopt into regulation the number and type of continuing education hours required to renew an applicator's license.

Factual Basis/Rationale

Although statutes in the Business and Professions Code provide for the renewal of this license category they do not specify the exact continuing education requirements. The proposed amendment will specify the number and type of continuing education hours required to renew an applicator's license.

Underlying Data

None

Business Impact

This regulation will not have an adverse economic impact on businesses unless companies choose to pay for continuing education courses for their employees.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: Handling of Pesticides

Section Affected: 1983

Specific Purpose of each adoption, amendment, or repeal:

References to bait stations in the California Code of Regulations section 1983 is being misinterpreted to mean something other than rodenticide or avicide bait stations, which the regulation was originally intended to address because of new developments and the use of termite bait stations and bait stations for other areas of structural pest control. The proposal is intended to clarify that 1983(i) references rodenticide and avicide bait stations rather than the newly developed termite bait stations and general pest control bait stations.

Factual Basis/Rationale

Termite bait stations have only recently been developed and used in California. Section 1983 was adopted prior to the development of termite and general pest control bait stations. This amendment will clarify that section 1983(i) is in regards to rodenticide or avicide bait stations.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: Wooden decks, stairs and landings

Section: 1991

Specific Purpose of each adoption, amendment, or repeal:

Existing regulation, section 1991(a)(5), already gives specific recommendations for corrective measures in regards to restoring wooden decks, wooden stairs and wooden landings in exterior exposure. The proposal will delete the duplication of this same language from California Code of Regulations Section 1991(a)(13).

Factual Basis/Rationale

This regulatory proposal will eliminate dual language found in Section 1991(a)(13) and 1991(a)(5) regarding corrective measures for wooden decks, wooden stairs and wooden landings.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 8, 2005

Subject Matter of Proposed Regulations: WDO Activity Filing

Section(s) Affected: 1993 and 1998

Specific Purpose of each adoption, amendment, or repeal:

Senate Bill 1307 (Chapter No. 983) amended Business and Professions Code section 8516 and became effective January 1, 2000. Therefore, pest control companies have been complying with statute since January 1, 2000. The amendment to section 1993 eliminates the requirement to file reports with the board, while the amendment to section 1998 clarifies Business and Professions Code section 8516 in that pest control companies must prepare and provide inspection reports and notices of work completed and not completed reports to the homeowner or his/her designated agent, which pest control companies currently practice. Current regulations still reference requirements to file reports and notices of work completed with the Board, which are no longer consistent with the statutes.

Factual Basis/Rationale

Statute authority pursuant to Section 8516 of the Business and Professions Code eliminated the filing of inspection reports and notices of work completed and not completed with the Structural Pest Control Board effective January 1, 2000. The proposed amendments to sections 1993 and 1998 will clarify and place into regulation the requirements set forth in Section 8516 of the Business and Professions Code.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses because companies are already complying with statute and filing addresses of properties inspected and not submitting actual inspection reports.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.